



REFERENCE MANUAL
for
RESTRICTED MATERIALS
PERMITS
and
CERTIFICATION

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RESTRICTED MATERIALS PERMIT TRAINING

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1. History

- 1938 Imperial County permits.
- 1949 Restrictions on certain pesticides with the potential to cause injury to people, crops, or the environment. "Injurious Herbicides and Injurious Materials". Drift and other off-site air movement of the new phenoxy herbicides in the San Joaquin Valley onto grapes and cotton. Permit process in place since 1938 in Imperial County was brought to the state level.
- 1976 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
- The California Environmental Quality Act, also known as CEQA, was enacted in 1976. The act ensured that the long term protection of the environment is the guiding criterion in public decisions, and that each public agency will take all action necessary to provide California residents with clean air and water and the enjoyment of aesthetic natural, scenic, and historical environmental qualities.
- CEQA requires an environmental impact report for any project proposed or approved by any public agency, board or commission which may have a significant effect on the environment
- 1976 ATTORNEY GENERAL'S OPINION
- According to the opinion of State Attorney General, Evelle Younger, the issuance of use permits for restricted materials and restricted herbicides by a county agricultural commissioner are subject to the requirements of CEQA, and EIRs are required for the issuance of pesticide use permits.
- 1977 ENVIRONMENTAL ASSESSMENT TEAM (EAT)
- In January 1977 the Environmental Assessment Team was formed for the purpose of preparing a programmatic environmental impact report that would cover the issuance of all pesticide use permits. In

late 1977, the team determined that they could not prepare such a report that would meet all of the requirements of CEQA. As a result, the Legislature passed AB 3765 as an emergency measure.

1979 ASSEMBLY BILL 3765

AB3765 decreed that the permit, NOI, PUR system is the “functional equivalent” of an EIR. No EIR or negative declaration is required but documentation of environmental impacts, mitigation measures and alternative materials is required.

A section of CEQA was revised to authorize the Secretary of the Resources Agency to certify that a regulatory program meets the requirements of CEQA, enabling the regulatory program to use its own documents and procedures in place of the normal EIR process. Once a program is certified, it is exempt from the requirement to prepare environmental impact reports.

AB 3765 required the Department to prepare a plan for certification, by November 1, 1979. The plan had to address the registration, evaluation and classification of pesticides; licensing and regulation of pesticide dealers, pest control businesses, and advisers; the regulation of pesticides used in agricultural and urban areas through the permit system; and the monitoring of pesticides and of the human health and environmental effects of pesticides.

1979 ADOPTION AND REVISION OF REGULATIONS

In order to meet the mandates of AB 3765, and the requirements necessary to be certified by the Resources Agency, the department needed to adopt, amend and appeal regulations. The department worked with three groups in the development of the new regulations. The first group consisted of department staff and the county agricultural commissioners. The second group was comprised of representatives from environmental, agricultural, consumer and producer groups. The third group included members from other state departments and agencies.

The groups came out with draft regulations, but they were not able to reach a consensus.

During August and September of 1979, public hearings were held on the regulations. The agricultural and pesticide industry felt the regulations were too restrictive, and environmental and public groups felt that the regulations were too loose. The Department found it necessary to completely rewrite the regulations.

1979 CERTIFICATION AND ADOPTION OF REGULATIONS

The California Department of Food and Agriculture submitted its pesticide regulatory plan to the Secretary of the Resources Agency on November 1, 1979. After review by the Secretary, and public hearings on the requested certification, the pesticide regulatory plan was granted certification in late December 1979. The regulations were finally adopted: the provisions pertaining to pesticide registration, evaluation, and classification, and those dealing with public notice became effective on January 4, 1980. The provisions dealing with the issuance of pesticide permits did not become effective until July 1, 1980 due to the need for additional funding to county agricultural commissioners for increased workload of restricted materials permit issuance, monitoring and enforcement.

1983 AB1807 Air Quality . Toxic Air Contaminants Act has an impact on the registration process as it relates to Volatile Organic Compounds (VOC's) emissions.

1985 AB2021 Groundwater Protection Act governs materials which have leached or have a potential to leach into groundwater. See enforcement letters 89-6, 89-9, 90-91, 90-92, 90-126, 90-149.

1996 AB 800 and AB 801 Certification

2. Legislative Findings of 1978

Legislative
findings

The state legislature in statutes of 1978 made these findings:

Agriculture	An essential and major part of California's economy.
Use of pesticides	An essential protection for agricultural commodities and public health.
Timing of applications	Paramount to good management and essential to prevent economic waste.
Environmental review	Prudent and appropriate.
Environmental Impact reports	Impractical because of the short notice of permit applications and therefore an unreasonable, expensive burden on agriculture and health agencies.
Agricultural Commissioner	Considered a state agency under the supervision of the Director.
Government review of pesticide use	Shall not burden permit applicants or require unnecessary information.

3. Purpose of Restricted Materials Process.

The purpose of the restricted materials permit process is to :

- review the legality of the proposed application;
- assess its environmental effects;
- require user to mitigate environmental effects; and
- if necessary, require the use of feasible alternatives.

4. Laws pertaining to Certified Applicators

CFAC § 11403.

Pest control means the use or application of any pesticide. It also means the use of any substance, method, or device to do any of the following:

- (a) Control pests.
- (b) Prevent, destroy, repel, mitigate, or correct any pest infestation or disorder of plants.
- (c) Inhibit, regulate, stimulate, or otherwise alter plant growth by direct application to plants.

CFAC § 14015

Except as provided by regulation adopted by the director, a restricted material shall only be possessed or used by, or under the direct supervision of, a private applicator, who is certified pursuant to § 14093, or a certified commercial applicator, as defined by § 6000 of Title 3 of the California Code of Regulations.

CFAC § 14090

It is unlawful for a private applicator to possess, use, or supervise the use of a restricted material in accordance with Section 14015 unless that person has a valid private applicator certificate.

CFAC § 14091.

The application for a private applicator certificate or a renewal of the certificate shall be on a form prescribed by the director. Each application shall state the name and address of the applicant and any other information required by the director.

CFAC § 14092.

(a) Applicants shall be examined on the requirements of statutes and regulations concerning pesticide use and pest control operations including, but not limited to, knowledge of all of the following:

- (1) Label directions and restrictions on use.
- (2) Calibration.
- (3) Pest control equipment.
- (4) Pest problems and identification.

- (5) Worker protection, including protective clothing and equipment.
- (6) Environmentally sensitive areas.
- (b) The examination shall be in written form and shall be prepared by the director and administered by the commissioner, or the director in any county where there is no commissioner. An oral examination may be administered in those situations where, in the opinion of the commissioner, a written examination would not accurately measure the understanding of the applicant.
- (c) A passing score for the examination is 70 percent or above.

CFAC § 14093.

The commissioner, or the director in any county where there is no commissioner, shall issue a private applicator certificate to each applicant who passes the examination.

CFAC § 14094.

If a passing score of 70 percent is not achieved, the applicant may not retake the examination for seven calendar days.

CFAC § 14095.

A private applicator certificate shall be issued for a period of three years except that the initial term of a private applicator certificate shall expire as follows:

- (a) Certificates issued to private applicators on or after January 1, 1997, with surnames beginning with A to H, inclusive, shall expire on December 31 of each third year following December 31, 1997.
- (b) Certificates issued to private applicators on or after January 1, 1997, with surnames beginning with I to Q, inclusive, shall expire on December 31 of each third year following December 31, 1998.
- (c) Certificates issued to private applicators on or after January 1, 1997, with surnames beginning with R to Z, inclusive, shall expire on December 31 of each third year following December 31, 1999.

CFAC § 14096.

Certified private applicators may renew their certificate for a period of three years by completing the continuing education requirement as prescribed by the director, by regulation, or by passing an examination.

CFAC § 14097.

The commissioner, or the director in a county where there is no commissioner, may establish a program to certify employees other than the operator of the property, or other than the operator's authorized representative. The commissioner's or the director's program shall be conducted in accordance with this chapter.

CFAC § 14098.

(a) A private applicator certificate may be refused, revoked, or suspended by the commissioner or director for any of the following reasons:

- (1) Failure to comply with any applicable provision of this division or any regulation adopted pursuant thereto.
- (2) Failure to supervise the use of a restricted material in a manner that ensures compliance with this division or any regulation adopted pursuant thereto.
- (3) Making any false or fraudulent report.

(b) Any action by the commissioner or the director pursuant to subdivision (a) may be appealed in a manner consistent with the procedures for appealing the suspension of a restricted material permit as prescribed in Section 11512.5.

CFAC § 14099.

(a) Any private applicator named on a valid restricted material permit during calendar year 1996 as the operator of the property, or the operator's authorized representative, shall be issued a private applicator certificate after successfully completing an oral evaluation conducted by the commissioner, or the director in any county where there is no commissioner.

(b) Private applicator certificates issued pursuant to subdivision (a) to persons with surnames beginning with A to H, inclusive, shall expire on December 31, 1997. The holder may renew his or her certificate by taking the private applicator certification examination or by completing two hours of accredited continuing education instruction approved by the director, prior to December 31, 1997. The renewal certificate shall be valid for three years.

(c) Private applicator certificates issued pursuant to subdivision (a) to persons with surnames beginning with I to Q, inclusive, shall expire on December 31, 1998. The holder may renew his or her certificate by taking the private applicator certification examination or by completing four hours of accredited continuing education instruction approved by the director, prior to December

31, 1998. The renewal certificate shall be valid for three years.

(d) Private applicator certificates issued pursuant to subdivision (a) to persons with surnames beginning with R to Z, inclusive, shall expire on December 31, 1999. The holder may renew his or her certificate by taking the private applicator certification examination or by completing six hours of accredited continuing education instruction approved by the director, prior to December 31, 1999. The renewal certificate shall be valid for three years.

(e) An applicant for a private applicator certificate who is not certified as a private applicator as of January 1, 1997, shall pass the private applicator certification examination administered by the commissioner, or the director in any county where there is no commissioner.

(f) If a passing score of 70 percent is not achieved on the examination, the applicant may not retake the examination for seven calendar days.

(g) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

CFAC § 14099.5.

This chapter shall become operative on January 1, 1997.

5. Necessary Qualifications

This table lists who qualifies to issue and receive permits.

These people are qualified...	to do this.
Pesticide Use Enforcement or Investigation & Environmental Monitoring licensee.	sign and issue permits.
Non-licensed persons and applicants	complete the application form but not to authorize or issue the permit.
Certified owners, operators, authorized representatives	receive an ag-use restricted materials permit
Property owner, operator, PCB or both.	receive a non-ag-use permit.
Commissioner or person under commissioner's direct supervision	use restricted material without a permit.

6. Private Applicator Certification

Pesticides designated by US EPA or State of California as restricted use can be applied only by or under the supervision of a certified applicator. To become a certified applicator a person must demonstrate competency to handle these potentially hazardous pesticides properly and safely. The mechanism currently used to determine the knowledge and abilities of persons who intend to handle restricted use pesticides is through the written examination process. These examinations test the applicant's knowledge to assure that restricted use pesticides are used properly and safely by persons who have indicated an understanding of label directions; transportation, storage, and disposal requirements; pesticide

use report requirements; environmental protection; and employer's responsibilities concerning fieldworkers and employees who handle pesticides.

Prior to issuance of a restricted material use permit, each private applicator must be certified. Certification is obtained by renewal with Continuing Education or by examination using the Private Applicator Certification Examination (Form PR-ENF-171 A/B).

Private applicator certification examinations must be supervised and administered by the CAC's staff. The private applicator certification applicant must respond to the examination questions and record the answers onto the separate answer sheet (Scantron Form 882). County staff review the answer sheet and document whether the applicant passed or failed. 3CCR § 14092 c) establishes the passing score at 70% and above. If the candidate scores less than 70%, he or she may not retake the exam for 7 days. An oral exam may be given in lieu of a written exam at the discretion of the commissioner. The answer sheet will be collected and destroyed by the CAC.

7. Permittee Responsibility

A permit must be issued to someone who has authority to control the restricted material applications. If at any time the permittee ceases to be an agent for the property operator or owner, then the permit is invalid. A new permit will have to be issued. An ag-use permittee who plans to have a pest control business make the restricted material applications must list the name of the business on the permit or the notice of intent.

8. County Agricultural Commissioners and their staff are responsible to:

- Collect information to ensure the best possible decision is made.
- Have sound knowledge of local conditions to ensure the permit process is a “functional equivalent” of an Environmental Impact Report.
- Review sensitive areas as part of the alternative process to issuing an Environmental Impact Report.
- Consider environmentally safer alternative materials for the particular pest and commodity.
- Condition permits to mitigate substantial environmental impacts.
- The CAC must review all Notices of Intent before their applications.

9. Definitions

CFAC § 11408 Agricultural use:

means the use of any pesticide or method or device for the control of plant or animal pests, or any other pests, or the use of any pesticide for the regulation of plant growth or defoliation of plants. It excludes the sale or use of pesticides in properly labeled packages or containers which are intended for any of the following:

- Home use.
- Use in structural pest control.
- Industrial or institutional use.
- The control of an animal pest under the written prescription of a veterinarian.
- Local districts or other public agencies which have entered into and operate under a cooperative agreement with the Department of Public Health pursuant to § 2426 of the Health and Safety Code, provided that any exemption under this subdivision is subject to the approval of the director as being required to carry out the purposes of this division.

3CCR § 6000. Definitions.

Agricultural commodity:

means an unprocessed product of farms, ranches, nurseries and forests (except livestock, poultry and fish). Agricultural commodities include fruits and vegetables; grains, such as wheat, barley, oats, rye, triticle, rice, corn and sorghum; legumes, such as field beans and peas; animal feed and forage crops; rangeland and pasture; seed crops; fiber crops such as cotton; oil crops, such as safflower, sunflower, corn and cottonseed; trees grown for lumber and wood products; nursery stock grown commercially; Christmas trees; ornamentals and cut flowers; and turf grown commercially for sod.

Certified commercial applicator means:

- (a) A person holding a valid qualified license issued by the Director;
- (b) A pilot holding a valid journeyman pest control aircraft pilot's certificate issued by the Director;
- (c) A person holding a certified technician certificate issued by the Vector Biology and Control Section of the Department of Health Services;
- (d) A person holding a valid structural Pest Control Business or field representative license issued by the Structural Pest Control Board of the Department of Consumer Affairs; and
- (e) A person holding a valid qualified applicator certificate by the Director.

Commercial applicator:

means a person who uses or supervises the use of a pesticide for any purpose or on any property other than as provided by the definition of **private applicator**.

Feasible:

means capable of being accomplished in a successful manner, within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Feasible alternatives:

means other chemical or non-chemical procedures which can reasonably accomplish the same pest control function with comparable effectiveness and reliability, taking into account economic, environmental, social, and technological factors and timeliness of control.

Feasible mitigation measure:

means a condition attached to the approval of an activity which, if implemented, would substantially reduce any adverse impact, taking into account economic, environmental, social, and technological factors and timeliness of control.

Home use:

means use in a household or its immediate environment.

Industrial use:

means use for or in a manufacturing, mining or chemical process; or use in the operation of factories, processing plants, and similar sites.

Institutional use:

means use within the confines of, or on property necessary for the operation of, buildings such as hospitals, schools, libraries, auditoriums and office complexes.

Notice of Intent:

means oral or written notification to the commissioner, as specified by the commissioner, prior to the use of a pesticide pursuant to a permit.

Operator of the property:

means the person primarily responsible for the control or management of the property.

Private applicator means:

- (a) A person who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity on property owned, or rented by him/her or his/her employer; or
- (b) A householder who uses or supervises the use of a pesticide outside

the confines of a residential dwelling, for the purpose of controlling ornamental, plant or turf pests on residential property owned or rented by such householder.

Restricted materials hazard chart:

means a chart developed by the Department that specifies the degree of potential hazard for each restricted material to public and occupational health, adverse impact on pest management systems, users or restricted materials, farm workers, bees, nontarget plants, fish, and wildlife, and other parts of the environment.

Site specific:

means a pesticide permit that identifies the specific area to be treated, the size of that area, and the commodity or site on that area to be treated.

Time specific:

means a pesticide permit that specifies the date the intended application is to commence or permit with a notice of intent requirement. The pesticide use may commence within four days following such date if delays are caused by uncontrollable conditions such as adverse weather or unavailability of equipment. The commissioner shall require a notice of intent from either the grower, the grower's authorized representative, or the pest control business when necessary to make the permit time and site specific.

10. Other Definitions

Nonagricultural use:

includes the sale or use of pesticides in properly labeled packages or containers which are intended for any of the following:

- (a) Home use.
- (b) Use in structural pest control (no agricultural commodity involved).
- (c) Industrial or institutional use.
- (d) The control of an animal pest under the written prescription of a veterinarian.
- (e) Local districts or other public agencies which have entered into and

operate under a cooperative agreement with the Department of Public Health pursuant to § 2426 of the Health and Safety Code, provided that any exemption under this subdivision is subject to the approval of the director as being required to carry out the purposes of this division. Home use (includes residential) Labels with directions in "Per square feet."

Site:

means an area no larger than the farm operators contiguous property and no smaller than one crop location. Regardless of the number of sites involved, only one permit is required for each farm operation, however, commissioners may choose to issue separate ag-use and non-ag-use permits for the same operation.

11. Ag-Use Restricted Materials Permit Requirements

3CCR §	Requirement
§ 6422 § 6434	Ag-Use permits must be site specific and time specific. The NOI is generally used to make them time specific.
§ 11408	Ag use defined and permit requirements laid out
§14006.5 § 6432	Environmental review
§ 6420	Responsible person and either property operator or authorized representative are qualified restricted material permit applicants.
§ 6422	Permit duration; one year for annual crops, three years for perennial crops, non-production agriculture and non-ag.
§ 6434(b)	Written recommendation is required if the application is by a PCB. NOI review by CAC is required prior to the application. At least 24 hours notice unless waived. Method of submittal defined as drop box, phone, or other. There must be 24 hour acceptance. NOI submitted by a grower, operator, authorized representative or PCB.
§ 6436	Pre-application site inspection on 5% of agricultural use sites.
§ 6412(a)	In cases where a government agency is making applications on an individual's property under a mandated program, the permit can be issued to the responsible person representing that agency. If, under § 6412(a), the restricted material is applied under the direct supervision of the commissioner, a permit is not required. See ENF 85-29.
ENF 82-98	Agricultural Pest Control Businesses who will purchase or possess restricted materials must obtain a "possession only" permit. The "possession only" permit may be conditioned to cover certain pesticides only or to any other conditions the commissioner deems necessary.

12. Non-Ag Use Restricted Materials Permit Requirements

3CCR §	Requirement
§ 6432 (b)(2)	Non-ag permits are not required to be site or time specific. An NOI is required to the extent necessary to comply with the CAC's inspection responsibilities and monitoring requirements.
§ 6436	Each permittee must be inspected at least annually.
§ 6430	One non-ag-use permit per household, institution or PCB.
§ 6420	Responsible person and either the property operator or the PCB are qualified restricted materials permit applicants.
§ 6422	Permit duration may be job, annual or three year(CFAC § 14007 b).

13. Non-Restricted Materials which Require a Permit.

The Trigard ® stewardship program requires a permit even though Trigard ® is not a restricted material. The requirement was made as a condition of registration in California. There may be more instances of this practice later. Authority CFAC § 13166 and CFAC § 14004.5.

See Appendix page 31 for more details.

CFAC § 14006.6

- (a) A permit shall not be required for the agricultural use of any pesticide not designated as a restricted material unless the commissioner determines that its use will present an undue hazard when used under local conditions.

14. Restricted Materials Evaluation

Step	Procedure
1.	Verify completeness of information including the availability of a certified applicator.
2.	Verify the pesticides are registered for site and commodity.
3	Locate application site(s) on county map, aerial photo, or map supplied by the grower. (Site = no larger than the farm operator's contiguous property; no smaller than one crop location.)
4	Evaluate surrounding areas that could be adversely impacted, such as residential areas, waterways, schools, churches, hospitals, labor camps, etc.
5.	Evaluate surrounding areas for apiaries.
6.	Evaluate surrounding areas for susceptible crops
7.	Identify sensitive areas on the map or in narrative form.
8	If there is an unacceptable environmental impact and a feasible alternative using non-restricted materials, deny the permit.
9.	Condition permit to mitigate environmental hazards.
10	Decide if standard county permit conditions are adequate to mitigate the hazards at each site. Add any necessary permit conditions by site.
11.	If, in the County Agricultural Commissioner's judgement, adequate special permit conditions cannot be adopted to mitigate substantial environmental hazards, deny the permit.
12.	Inform the permittee of the Notice of Intent requirements, Pesticide Safety Information Series requirements, availability of pest management guides, and pesticide use reporting requirements.
13.	Issue permit or deny with cause.

Further Notes:

1. When the date or crop stage of the application, the method of application, dilution, volume and dosage, and the name of the pest control business (if any) are absent from the permit, that information is required on the Notice of Intent. Do not use the NOI to provide any other information absent from the restricted materials permit.
2. The Notice of Intent is considered a part of the permit.
3. You must possess all of the information pertaining to the application (permit plus Notice of Intent) prior to the application.
4. A Restricted materials application may be allowed to proceed less than 24 hours after the filing of an NOI if prior to the application you can complete the required evaluation (see ENF 82-15).
5. There is no fixed distance within which things must be considered. This distance would vary based upon the site conditions, application method, and formulation and toxicity of the pesticide.
6. Provisions for storage of pesticides and containers must be considered.
7. Use of a map or aerial photograph in the CAC's office is acceptable provided there is a way for the person filing the Notice of Intent to be aware of what was initially considered so that any changes can be indicated on the Notice of Intent.
8. The map or directions must be adequate to allow a person who is unfamiliar with the area to locate the site easily.
9. The farm operator is responsible for identifying any environmental conditions that may have changed at the time of submittal of the Notice of Intent, whether the farm operator submits it personally or through an authorized representative or Pest Control Business.
10. Permit conditions should not mimic labels, laws or regulations.
11. It is not the commissioner's responsibility to identify feasible alternatives to the permittee.
12. While the regulations require the posting of appropriate Pesticide Safety Information Series leaflets, the statements contained in these leaflets are considered as informational only, not requirements. You may make them requirements by identifying specific portions of these leaflets as permit conditions.

15. Denying Permits

Permits must be denied when the pesticide is not registered in California for the proposed use. If the surrounding areas, residential areas, waterways, schools, churches, hospitals, etc. will be adversely impacted, the permit must be denied.

CFAC § 14006.5 requires that a permit is denied if the application will result in serious uncontrollable adverse environmental effects; or there is a reasonably effective substitute available that is less destructive to the environment. The law also prohibits issuing permits if there is no product registered (or previously registered and still available) for the situation in question.

If it is determined during the permit application review process that adequate mitigation measures do not exist, deny the permit. If there are feasible alternatives, the permittee should use them. If there are no feasible alternatives, the permit must be conditioned to mitigate the hazard even if these conditions prove to be prohibitive to all or part of the application. Deny a permit if label or regulatory requirements cannot be met.

If a permit is denied because of past violations of laws and regulations, the commissioner must give the permit applicant due process by issuing a Notice of Proposed Action to refuse a permit. Follow the same procedures as in Agricultural Civil Penalty actions CFAC § 11512.5.

When a permit is denied, a record should be kept that includes the chemical, commodity or site, and reason for denial. This record may be a copy of the permit application, or other county-developed record. Permit denials that are not substantiated must not be reported on the Report Number 5.

16. Federal Restricted Use Pesticides

The words “Restricted Use Pesticide” (RUP) appear in a box at the very top of a label’s front panel. The general RUP statement listed at 40 CFR 156.10(j)(2)(i)(B) is as follows:

“For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator’s certification.”

This statement is often preceded by a phrase stating the reason for the restriction of use. These phrases include:

“Due to oncogenicity,...”,

“Due to ground water concerns,...”,

“Due to Acute Human, Avian, and Aquatic Invertebrate Toxicity,...”

Examples of Federal Restricted Use pesticides include Atrazine, Diazinon, Guthion ®, Methomyl, Sodium Fluoracetate (1080), and Aldicarb (Temik ® brand).

Take care reading the RUP panel as the supervision requirements vary by product for example the 1080 RUP panel states:

“Collars shall be sold or transferred only by registrants or their agents and only to certified Livestock Protection Collar applicators. Collars may be used only by specifically certified Livestock protection Collar applicators or by persons under their direct supervision.”

The Methomyl label adds this statement to the general first sentence:

“Direct supervision for this product requires the certified applicator to review federal and supplemental label instructions with all personnel prior to application, mixing, loading, or repair or cleaning of application equipment.”

So take the time to read these panels carefully.

17. Section 18's Emergency Exemptions

Any pesticide used under an emergency exemption is automatically a California restricted material and requires a restricted materials permit. A pesticide must be used in compliance with all Section 18 requirements, including rate, concentration and target pest. Section 18's are exemptions from labeling and, therefore, are not allowed the deviations from label requirements granted in CCR § 6000 (Conflict with the label). Any deviation from a Section 18 would be considered a use in conflict with the label.

18. Section 24c's

SLN Registrations (24c) do not require restricted material permits unless the pesticide is a restricted material. Special Local Need (SLN) registrations are supplemental label instructions for additional uses authorized by CDPR. CDPR issues two types of SLN registrations. First-Party and Third-Party, under Section 24(c) of the Federal Insecticide, Fungicide, Rodenticide Act.

(a) First-Party Registrations

These are issued to pesticide registrants. This labeling can be distinguished from EPA-registered bulletins by the "EPA SLN No." at the bottom. SLN labels must be in the possession of the user whenever the product is to be used for the purpose shown on the label.

(b) Third-Party Registrations

These are labels issued to someone other than the pesticide registrant. They may be issued to a grower, grower organization, CAC, etc. These registrations are for a specific product or products and must be in the possession of the user at the time of application. A Third-Party SLN Registration will not be issued without the written authorization of the registrant of the product. Also, an "Application for Notification of State Registration of a Pesticide to Meet a Special Local Need" form must be completed for US EPA. Both forms must be signed by the CAC or his authorized representative and submitted to CDPR.

Request for SLN Registrations by persons other than registrants should be submitted via the commissioner to CDPR on a "Request for Special Local Need Registration" Form and include the brand name and registration number of the product(s) to be used.

Third-Party SLNs require the signature of the CAC in the county in which they are being used. A signature line on the SLN is provided for this purpose. A copy of all authorized Third-Party SLNs and a list of all the growers using the SLN should be kept by CACs for the purpose of investigation and notification (see ENF 86-21). The CAC signature requirement does not imply that the CAC can refuse to authorize, deny, or revoke the use of any approved, Third-Party SLN.

The authorization process has been divided into three areas:

- (1) Non-restricted materials. Growers must obtain the signature of the CAC in each county where the 24(c) use is intended. A signature block is provided on Third-Party 24(c) labeling for this requirement. A permit is not required.
 - (2) California only restricted materials. A restricted materials permit must be obtained from the CAC prior to use. A signature block is not provided on this third-party label.
 - (3) Federally restricted use pesticides. Applications must be made by or under the supervision of a certified applicator. This type of Third-Party 24(c) labeling will have a "Restricted Use Pesticide" statement and signature block for authorization. The authorization is completed by utilizing the signature blocks.
- (c) SLN registrations cannot be issued in any of the following circumstances:
- (1) For use of a pesticide on a food or feed crop in the absence of an established residue tolerance or exemption from tolerance. A tolerance or exemption from tolerance is required for the chemical when it is used in any manner which can reasonably be expected to result in residues on the harvested crop. This usually includes pre-plant, post-

- harvest, pre-emergence or application during the crop season.
- (2) For a use that has been canceled, suspended or denied by EPA.
 - (3) For a use for which a registered product already exists.
 - (4) The product contains an active ingredient not registered by EPA.

19. Renewal by Fax

POLICY: The commissioner may approve, by fax or mail, changes to add a pesticide, commodity, or site to a grower's restricted materials permit. The commissioner must ensure that the requirements in Title 3, California Code of Regulations, Subchapter 4, Article 2, Restricted Materials, Possession and Use Limitations. are met.

Permit changes, such as adding or deleting a pest, correcting the address, or adding or deleting a pest control business, may still be amended by a telephone call.

The permittee and commissioner must sign and date the faxed or mailed amendment. The permittee should be made aware that a permit is not final and a pesticide application cannot proceed until he or she receives a signed copy from the commissioner. Commissioners must exercise discretion with regard to the types of permit amendments they accept by fax or mail. This discretion must be aimed at fulfilling the requirements of the existing permit program. ENF 97-42.

20. Reviewing NOI's

Read or listen to all Notices of Intent submitted, using the following criteria for evaluation and compare against the permit if necessary.

- Location of the application
- History of the permittee
- Changes in the environment
- Decide whether to include in the 5% pre-application site inspections.
- Check that the material is on the permit.
- Is the proposed application time specific?

Further notes:

1. It is the responsibility of the operator of the property to submit the Notice of Intent. However, the Pest Control Business or authorized representative may submit the Notice of Intent for the operator (see ENF 81-37).
2. If the permit applicant knows the treatment date(s) at the time of permit issuance (as well as other required information), there is no further Notice of Intent requirements.
3. A new Notice of Intent is not required until the four-day interval has lapsed (see CCR § 6000). The four-day time period for Notice of Intent is at the discretion of the County Agricultural Commissioner. If the commissioner wants a shorter time frame than four days the permit must be so conditioned.
4. In cases where treatment will be on a continuous basis, such as nurseries, right-of-ways, or spot treatments, a pesticide use schedule may be submitted in lieu of a Notice of Intent. The use schedule must be in writing, attached to the permit, and updated when any changes in the schedule occur.
5. In the case of specific commodities, which may require repeated treatments at scheduled intervals, one Notice of Intent at the commencement of treatments will suffice as long as the pesticide remains the same, the schedule is specified on the Notice of Intent and there is no change in the scheduled dates. This does not limit the CAC's authority to require individual Notices of Intent.
6. CACs may require more than 24 hours notice prior to an application. In addition, different situations may require different methods of submittal. For example, the CAC may require that for weekend applications, notices with no changes in the environmental setting may be submitted by drop box, but that notices with changes must be phoned in. There are several methods that can be utilized for filing NOIs including posting at specific sites, phone, fax, or by mail.
7. Since nonagricultural permits are not required to be site or time specific, they do not require NOIs. §6436 requires at least one annual inspection for each nonagricultural permit. Notification from these permittees must be sufficient to allow for these inspections. An NOI can be required if the commissioner finds it necessary, § 6432(b)(2).

8. You may condition a permit with the information from any available pest management guides for the commodity/site in question. The statements in these guidelines are considered informational only, not requirements. You may make them requirements by identifying specific portions as permit conditions.

21. Procedure for Pre-application Site Inspections CCR § 6436

Step	Procedure
1.	Select target sites with sensitive areas that could be adversely impacted by the use of pesticides.
2.	Compare the restricted materials permit with the Notice of Intent.
3.	Determine if there is compliance with permit conditions.
4.	Determine if environmental conditions at the site are the same on the permit and the Notice of Intent.
5.	Determine the basis for the application.
6.	Determine if the pest is logical or expected.
7.	Determine if the pest is consistent with the permit.
8.	If a recommendation was made, determine whether the method of determining the need was acceptable.
9.	Field evaluation of pest conditions is only necessary when the pest is unexpected, inconsistent with the permit, the method of determining the need was unacceptable, or the applicator's history warrants.
10.	If the environment has changed significantly or contains new sensitive areas, amend or stop the application.
11.	Record your findings on PR-ENF-044 Pesticide Pre-application Site Inspection form.

APPENDIX

A. PERMIT CONDITIONS BY CHEMICAL

1. Aldicarb (Temik)
 - a) The restricted materials permit, issued in the permittee's home county, shall indicate the amount of aldicarb the permittee has in inventory when the permit is issued. The inventory total shall include all aldicarb storage sites regardless of location. These storage site location(s) shall be noted on the permit.
 - b) All subsequent restricted materials permit(s) shall identify the home county responsible for tracking aldicarb purchases and returns.
 - c) The permittee shall report each purchase and return of aldicarb to the home county in which they are headquartered. The report shall include the name(s) and address(es) of the dealer(s); the total amount(s) of aldicarb purchased or returned; and the delivery address. The report shall be made within 10 days of the purchase and may be verbal or written. The county agricultural commissioner (CAC) shall maintain these reports with the permit.
 - d) The permittee shall keep all aldicarb sales invoices and recommendations with the associated restricted materials permit(s). These records must be maintained for two years and made available to the CAC upon request.
 - e) A recommendation, written by the property operator or a licensed pest control advisor, must be in the possession of the pesticide applicator at the use site.

2. Molinate (Ordram 8E and 10G)

See ENF-97-022

3. Furadan 4F

See ENF 97-022 and ENF 94-058, ENF 92-069

4. Telone II 1,3-Dichloropropene pesticides.

See ENF 97-021 and ENF 97-011, ENF 96-053, ENF 96-009, and ENF 96-001

5. Methyl Bromide

See your Methyl Bromide Manual for details.

6. Thiodan (Endosulfan)

See ENF-91-12.

7. Metam Sodium Suggested Permit Conditions

(a) Sprinkler irrigation applications are prohibited...

(1). Warm Season Applications: periods where daytime temperatures frequently approach or exceed 90 °F at 3 inch depth during the application. Perform all applications at night or the coolest portions of the 24-hour period.

(2)Cool Season Applications: periods where the daytime temperatures are similar to the warm season nighttime temperatures. Daytime applications will be allowed when the temperature conditions do not exceed the warm season nighttime temperature range under which metam sodium applications were performed without offsite odor problems. The ground temperature must be below 90° F at a 3 inch depth during the application.

8. Trigard® Insecticide (Cyromazine)

(a) These conditions are specific to Trigard® Insecticide, U.S. EPA Registration Number 100-654, granted interim registration in California as Registration Number 100-654-AA. All requirements in the Trigard® Insecticide label and these permit conditions must be followed. Where the requirements differ, the most stringent conditions must be followed.

(b) Trigard® Insecticide, under the California interim registration, shall only be used under a permit issued by the county agricultural commissioner (CAC). The permittee shall provide the CAC with the type of irrigation system to be used for each site where Trigard® Insecticide will be applied.

9. Suggested Permit Conditions for Sodium Fluoroacetate (Compound 1080) Livestock Protection Collars for Use on Sheep and Goats

See ENF 97-005

B. California Restricted Materials Requirements 3CCR § 6400

(a) **FEDERALLY RESTRICTED MATERIALS**

These materials are included by reference as California Restricted materials.

Pesticides displaying a statement similar to the following:

RESTRICTED USE PESTICIDE

For retail sale to and application only by a certified applicator or persons under their direct supervision.

(b) **CALIFORNIA RESTRICTED MATERIALS**

- (1) Section 18 Pesticides. Any pesticide used pursuant to Section 18 of FIFRA, emergency exemptions.
- (2) Pesticides formulated as a dust, labeled to permit outdoor use, and packaged in containers of more than 25 pounds, except:
 - (i) Products containing only exempt materials specified in Section 6402; and
 - (ii) Products containing only carbaryl, disulfoton, endosulfan, lindane, strychnine, zinc phosphide or an active ingredient not otherwise included in this Section, and labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to Section 2426 of the Health and Safety Code.
- (3) Ground Water Protection pesticides. 3CCR § 6800 (a). When labeled for agricultural, outdoor institutional or outdoor industrial use.
ATRAZINE
BENTAZON
BROMACIL
DIURON
PROMETON
SIMAZINE.

No permit is required for certified applicators using these materials outside a pesticide management zone.

- (4) ACROLEIN, when labeled for use as an aquatic herbicide.
ALDICARB (Temik)
ALUMINUM PHOSPHIDE (Phostoxin)
4-AMINO PYRIDINE (Avitrol)
AZINPHOS-METHYL (Guthion)
CALCIUM CYANIDE
CARBARYL (Sevin), except when formulated as a bait, or when labeled only for one or more of the following uses:
Use directly on livestock or poultry, home use, structural pest control, industrial use, institutional use, use by a public agency vector control districts pursuant to § 2426 of the Health and Safety Code.
CARBOFURAN (Furadan)
CHLOROPICRIN
3-CHLORO-P-TOLUIDINE HYDROCHLORIDE (Starlicide)
DICAMBA (Banvel), except *:
2,4-DICHLOROPHENOXYACETIC ACID (2,4-D), except *:
2,4-DICHLOROPHENOXYBUTYRIC ACID (2,4-DB), except *:
2,4-DICHLOROPHENOXYPROPIONIC ACID (2,4-DP), except *:
1,3-DICHLOROPROPENE (Telone II)
DISULFOTON (Di-Syston), except products labeled only for home, structural, industrial, institutional or public agency vector control uses.
ENDOSULFAN (Thiodan), except products labeled only for home, structural, industrial, institutional or public agency vector control uses.
ETHOPROP (Mocap), when labeled for turf use.
FENAMIPHOS (Nemacur)
LINDANE, except products labeled only for home, structural, industrial, institutional or public agency vector control uses.
METAM SODIUM, for the production of agricultural plant commodities.
METHAMIDOPHOS (Monitor)
METHIDATHION (Supracide)

METHOMYL (Lannate), except products labeled only for home, structural, industrial, institutional or public agency vector control uses. Also except fly baits containing 1% or less Methomyl.

METHYL BROMIDE

2-METHYL-4-CHLOROPHENOXYACETIC ACID (MCPA), exceptions:

METHYL ISOTHIOCYANATE (MITC), labeled for the production of agricultural plant commodities.

MEVINPHOS (Phosdrin)

MOLINATE (Ordram)

OXYDEMETON-METHYL (Metasystox-R)

PARAQUAT (Gramoxone)

PARATHION-METHYL

PHORATE (Thimet)

PROPANIL

SODIUM CYANIDE

SODIUM FLUOROACETATE (Compound 1080)

STRYCHNINE, except products labeled only for home, structural, industrial, institutional or public agency vector control uses.

SULFOTEPP

THIOBENCARB (Bolero)

TRIBUFOS (DEF, Folex)

TRIBUTYL TIN, when labeled for fouling organisms in an aquatic environment.

ZINC PHOSPHIDE, except products labeled only for home, structural, industrial, institutional or public agency vector control uses.

Exemptions

* One gallon or less of a product containing 15% or less of restricted herbicides in a liquid formulation.

■ One quart or less of restricted phenoxy herbicides or Dicamba regardless of percentage of active ingredient.

■ Diluted, ready to use solutions of restricted phenoxy herbicides or

Dicamba. 2,4-D products labeled only for use as a plant growth regulator.

- One pound or less of restricted phenoxy herbicides or Dicamba in a dry formulation.
- Dry formulations packaged in 50 pounds or less of restricted phenoxy herbicides or Dicamba containing 10% or less of active ingredient.

C. Code sections which condition specific restricted materials.

1. § 6443. **Phenoxy Herbicides** on Timberland.
2. § 6452. **Chloropicrin and Methyl Bromide** Nursery and Commodity Fumigation.
3. § 6454. **Chloropicrin and Methyl Bromide--Structural Fumigation.**
4. § 6458. **Aldicarb.**
5. § 6460. Drift Control for liquid **Dicamba, 2,4-D, 2,4-DB, 2,4-DP, MCPA, or Propanil**
6. § 6462. **Propanil.**
7. § 6464. **Phenoxy and Certain Other Herbicides.** This section applies to: **Dicamba, 2,4-D, 2,4-DB, 2,4-DP, MCPA, and Propanil.**
8. § 6466. **Paraquat.**
9. § 6470. Cotton Harvest Aids. This section applies to: **DEF, Folex, or paraquat .**
10. § 6474. **Carbofuran.**
11. § 6476. **Fenamiphos (Nemacur).**
12. § 6486.1. **Atrazine** Pesticide Management Zones
13. § 6486.2. **Simazine** Pesticide Management Zones
14. § 6486.3. **Bromacil** Pesticide Management Zones
15. § 6486.4. **Diuron** Pesticide Management Zones
16. § 6486.5. **Prometon** Pesticide Management Zones
17. § 6486.6. **Bentazon (Basagran)** ground water protection.
18. § 6488. Antifouling Paints or Coatings Containing **Tributyltin.**
19. § 6489. **Tributyltin** Paint and/or Coating Additives.

D. Restricted Materials Permit -Denial Record

Permit number: _____ Applicant: _____

Pesticide: _____ Crop or Commodity: _____

Reason: _____

Inspector or Biologist: _____ Date: _____

Permit number: _____ Applicant: _____

Pesticide: _____ Crop or Commodity: _____

Reason: _____

Inspector or Biologist: _____ Date: _____

Permit number: _____ Applicant: _____

Pesticide: _____ Crop or Commodity: _____

Reason: _____

Inspector or Biologist: _____ Date: _____

Permit number: _____ Applicant: _____

Pesticide: _____ Crop or Commodity: _____

Reason: _____

Inspector or Biologist: _____ Date: _____

Permit number: _____ Applicant: _____

Pesticide: _____ Crop or Commodity: _____

Reason: _____

Inspector or Biologist: _____ Date: _____

Permit number: _____ Applicant: _____

Pesticide: _____ Crop or Commodity: _____

Reason: _____

Inspector or Biologist: _____ Date: _____

Permit number: _____ Applicant: _____

Pesticide: _____ Crop or Commodity: _____

Reason: _____

Inspector or Biologist: _____ Date: _____

E. These lines are for you to update conditions for restricted materials established after 1997.

1.

2.

3.

4.

5.

F. Enforcement Letters cited in this manual.

Number	Subject
ENF 81-037	Responsibility for Submitting Notices of Intent
ENF 82-015	Regulation Amendments Pertaining to 24-Hour Notice of Intent
ENF 82-098	Revised Agricultural Pest Control Operator County Registration Application
ENF 85-029	FYI Press Release Re. Compliance Deadlines for New Toxic Programs Approaching
ENF 86-021	Special Local Need registrations
ENF 89-006	New Groundwater Protection Regulations (Atrazine)
ENF 89-009	FYI Pesticide Regulation Changes (Groundwater Protection)
ENF 90-091	FYI Letter to Pest Control Advisers Re. Groundwater Protection Regulation Changes
ENF 90-092	Letter to Pesticide Dealers Re. Groundwater Protection Regulation Changes
ENF 90-126	Groundwater Protection requirements for Private Applicators
ENF 90-149	FYI Groundwater Protection Permits for Private Applicators
ENF 91-012	Suggested Criteria for Issuance of Endosulfan Permits and Suggested Permit Conditions
ENF 92-069	Permit Conditions for Furadan® 4F
ENF 94-058	Suggested Permit Conditions for Furadan® 4F on Grapes
ENF 96-001	Telone® II Suggested Permit Conditions
ENF 96-009	Stewardship Program and Suggested Permit Conditions for The Statewide Use of Telone® II (1,3-Dichloropropene)
ENF 96-053	New Suggested Permit Conditions for 1,3-Dichloropropene

ENF 97-005	Suggested Permit Conditions for Sodium Fluoroacetate (Compound 1080) Livestock Protection Collars
ENF 97-011	Draft New Suggested Permit Conditions for 1,3-Dichloropropene Pesticides
ENF 97-021	New Suggested Permit Conditions for 1,3-Dichloropropene Pesticides
ENF 97-022	1997 Rice Pesticide Program